

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

DENNIS DANE BOTKIN,

Plaintiff,

vs.

CAVALRY PORTFOLIO SERVICES, LLC,

Defendant.

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CIVIL ACTION NO. A12CV0362SS

DEFENDANT CAVALRY PORTFOLIO SERVICES, LLC'S ORIGINAL ANSWER

TO THE HONORABLE PRESIDING JUDGE:

COMES NOW Defendant Cavalry Portfolio Services, LLC and respectfully answers the Plaintiff's Original Complaint as follows:

JURISDICTION

1. Defendant denies that Plaintiff has a proper claim under the Fair Credit Reporting Act. This Paragraph alleges as a matter of law.

2. Defendant denies that Plaintiff has a proper claim under the Fair Credit Reporting Act; and therefore, Defendant denies the allegations in Paragraph 2.

PARTIES

3. Defendant is without knowledge or information sufficient to form a belief as to Plaintiff's current residence.

4. Defendant's principal office is located at 500 Summit Lake Drive, Valhalla, NY 10595.

VENUE

5. Defendant is without knowledge or information sufficient to form a belief as to truth of the allegations in Paragraph 5.

6. This Paragraph alleges as a matter of law.

GENERAL ALLEGATIONS

7. Defendant is without knowledge or information sufficient to form a belief as to truth of the allegations in Paragraph 7.

8. Defendant is without knowledge or information sufficient to form a belief as to truth of the allegations in Paragraph 8.

9. Defendant admits that it obtained credit reports on Plaintiff.

10. Defendant denies that it violated the Fair Credit Reporting Act.

COUNT I

11. Defendant responds to the allegations of Paragraphs 1-10 as set forth above.

12. This Paragraph alleges as a matter of law.

13. This Paragraph alleges as a matter of law.

14. This Paragraph alleges as a matter of law.

15. This Paragraph alleges as a matter of law.

16. This Paragraph alleges as a matter of law.

17. Defendant denies the allegations in Paragraph 17.

18. Defendant denies the allegations in Paragraph 18.

19. This Paragraph alleges as a matter of law.

20. Defendant denies the allegations in Paragraph 20.

21. Defendant admits that it obtained credit reports on Plaintiff. Defendant denies the remaining allegations in Paragraph 21.

22. Defendant denies the allegations in Paragraph 22.

Defendant denies that Plaintiff is entitled to judgment for any damages, attorney's fees, costs, or any other relief.

Defendant denies each and every allegation of the Plaintiff's Original Complaint not specifically responded to above.

AFFIRMATIVE DEFENSE

Plaintiff fails to state a claim upon which relief can be granted.

WHEREFORE, having fully answered, Defendant respectfully prays judgment of the Court that the Plaintiff take nothing by his suit, for its costs, its reasonable attorneys fees and such other and further relief, general or special, at law or in equity, to which it may be justly entitled.

Respectfully submitted,

/s/ Rachael Walters

Mark J. Jung
State Bar No. 24012934
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State Bar. No. 24042119

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ATTORNEYS FOR DEFENDANT CAVALRY
PORTFOLIO SERVICES, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served by certified mail, return receipt requested, to the following person on May 17, 2012:

Dennis Dane Botkin
231 Chandler Crossing Trail
Round Rock, Texas 78665
Pro Se Plaintiff

/s/ Mark J. Jung
Mark J. Jung